

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 17th day of May 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Lisa Wallingford, Councilor, District 3
Lynn Moses, Councilor, District 4

Staff Present: John Maresh, Assistant City Manager of Public Services
Linda Cernosek, City Secretary
Scott M. Tschirhart, City Attorney
Charles Kalkomey, City Engineer
Dallis Warren, Police Chief
Wade Goates, Fire Chief
Darrell Himly, Assistant Fire Chief
Justin Jurek, Fire Marshal
Travis Tanner, Executive Director of Community Development
Lori Remington, Human Resources Director
Randall Malik, Economic Development Director
Darren McCarthy, Parks and Recreation Director
Jenny Pavlovich, Communications Manager
Ian Knox, Planning Administrator
Kaye Supak, Executive Assistant
Danyel Swint, Executive Assistant

Attendees: Bruce Gilbert, Rosenberg Police Dept. Chaplain

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:02 p.m.

Invocation and Pledge of Allegiance.

Reverend Frankie Rodriguez of Living Stones Church, Sugar Land gave the invocation and led in the pledge of allegiance to the flag.

Presentation of Gift to Retiring City Council Member Lisa M. Wallingford.

Mayor McConathy presented a plaque and thanked departing City Councilor Lisa Wallingford for her service to the City.

Presentation of Proclamation Proclaiming May 2016 as Older Americans Month in the City of Rosenberg.

Mayor McConathy presented the Proclamation Proclaiming May 2016 as Older Americans Month in the City of Rosenberg to Manuela Arroyos of Fort Bend Meals on Wheels.

Announcements.

Mayor McConathy announced a fundraiser painting event and mother and daughter brunch to be held Saturday, May 21, 2016, at 10:00 a.m., at Paint Until You Faint, located at 5503 FM 359, Richmond, Texas 77406. All proceeds from the event will benefit the Rosenberg Animal Shelter.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

- Ms. Terry Branson of 1090 Isom Lane, Sheridan, Texas, addressed the City Council regarding animal welfare, the volunteer program, and operational concerns at the Rosenberg Animal Control Shelter.
- Ms. Rita Junker of 3718 Ella Lee Lane, Houston, Texas, addressed the City Council regarding her family's property between Spur 529 and Highway 90A as it relates to Item No. 10 on the Agenda. Ms. Junker provided some background information on Union Pacific's plan to close Junker Road and stated that she and her family are strenuously opposed to the closure. Ms. Junker requested a place on a future City Council Agenda to further address the status of Junker Road.
- Mr. Chris Junker of 11206 Lynnbrook Drive, Houston, Texas, addressed the City Council regarding his family's opposition to Union Pacific's plan for the closure of Junker Road and requested an opportunity to address City Council directly on a future Agenda.
- Ms. Brigitte Turner of Richmond, Texas, addressed City Council and stated she is the former Animal Control Supervisor and provided a list of accomplishments for the first month of her employ, including decreased rate of euthanasia, increased rate of reuniting lost pets, negotiated decreased rates for shelter supplies and spay/neuter services, and developed training opportunities to volunteers and staff.
- Ms. Christine Gaither of 2417 Esperanza, Richmond, Texas, addressed City Council and stated that she volunteers to perform transportation services for several animal shelters and attempted several times to volunteer for Rosenberg's Animal Shelter before being accepted. She worked the past month with Ms. Brigitte Turner but is no longer being allowed to do so for reasons unknown to her.
- Ms. Beth Hammond of 3426 Carriage House Drive, Richmond, Texas, addressed City Council and stated her concerns regarding the City's Animal Shelter, its FY2015-2016 Budget line items, and the need for more progressive efforts to increase adoptions and reduce euthanasia.
- Ms. Carolyn Seiler of 2625 Cedar Lane, Rosenberg, Texas, addressed City Council and stated she has volunteered at Rosenberg's Animal Shelter for three years and has served on the City's Animal Control Advisory Board for two years. Ms. Seiler emphasized that Animal Control Officers McNally and Huseman work tirelessly for the benefit of the shelter animals and recent accusations of improper procedure at the shelter are meritless.
- Ms. Jill Chriswell of 9814 Peterson Road, Needville, Texas, addressed City Council and stated that several cities in our area have no-kill animal shelters and Rosenberg needs to overcome what ever has happened here and work together to make a no-kill shelter reality. Tax payers work too hard for their money and they want to see these animals saved.
- Mr. Mike Parsons of 2635 Sequoia, Rosenberg, Texas, addressed City Council and expressed his concern regarding the proposed Wal-Mart shopping center at Mons Avenue at SH 36 and its potential negative impact on property values. Mr. Parsons also expressed his concern regarding speeding on Mons Avenue and requested enforcement.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on minutes of the Workshop Meeting on April 26, 2016, and the Regular Meeting on May 03, 2016.**
- B. **Consideration of and action on authorization to sell the proposed list of surplus property items to be included in the online auction through Govdeals.com, and vehicles to be sold through C.J. Stommel and Associates, Inc.**

EXECUTIVE SUMMARY

For City Council's consideration, staff has provided a list of items to be included in the online auction to retire surplus equipment, confiscated items, and other salvaged property. The online auction is on-going with Govdeals.com. The vehicles and equipment will be sold through C.J. Stommel & Associates, Inc.

The Fire Department plans to dispose of certain fitness equipment that is surplus. If approved, the Fire Department intends to transfer said equipment to the Village of Pleak Fire Department in exchange for \$1.00.

Staff recommends approval of the surplus list as presented.

- C. **Consideration of and action on a Final Plat of Community Focus Foundation, a subdivision of 43.8605 acres of land out of William Lusk Survey, Abstract Number 276, City of Rosenberg, Fort Bend County, Texas; 1 reserve and 1 block.**

EXECUTIVE SUMMARY

The Final Plat of Community Focus Foundation consists of 43.8605 acres and one (1) proposed reserve. The property is located on the south side of Rohan Road, approximately 500' east of FM 2977, and within the City Limits of the City of Rosenberg.

Existing improvements are located on the eastern side and include approximately one third (1/3) of the property. The improvements consist of a stadium and related improvements (e.g., parking). The stadium and adjoining vacant property to the west are owned by one (1) property owner. The property currently consists of two (2) tracts and the owner has chosen to plat it into one (1) reserve and would like to construct a gymnasium to the west of the stadium and use the overall property as an activity center. Platting the property will, among other things, eliminate the property line between the two (2) properties and help to avoid building setback line issues. In the Plat, right-of-way is also being dedicated for Rohan Road in compliance with City requirements.

The Planning Commission approved the Preliminary Plat of Community Focus Foundation on December 16, 2015. The Final Plat was recommended for approval at the April 20, 2016 Planning Commission Meeting. Seeing no conflicts with applicable regulations, and with the proposed Final Plat being consistent with the approved Preliminary Plat, staff recommends approval of the Final Plat of Community Focus Foundation.

KEY DISCUSSION POINTS

Mayor McConathy moved Consent Agenda Items D and E to the Regular Agenda. Item D will be considered as Item No. 2A and Item E will be considered as Item 2B.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 1 William Benton to approve Consent Agenda Items A, B, and C.

Vote: 7 - 0 Carried - Unanimously

REGULAR AGENDA

2. *This item was formerly Item D on the Consent Agenda.*
Consideration of and action on Ordinance No. 2016-16, an Ordinance amending the Code of Ordinances by amending Sections 21-26 and 21-27 of Article II of Chapter 21 thereof regarding Parks and Recreation Board composition and terms; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

EXECUTIVE SUMMARY

This Ordinance has been placed on the Agenda pursuant to City Council's direction to staff at the April 26, 2016 Workshop meeting. Direction was provided on two (2) issues related to the Parks and Recreation Board (Board):

1. Allowing members to include not only residents, but also owners of property or a business located in the City; and
2. Allowing for non-voting, advisory members following ten (10) continuous years of service.

The Board's composition and terms are set by Ordinance; therefore the Ordinance had to be amended to accommodate City Council's request. Ordinance No. 2016-16, amending Sections 21-26 and 21-27 of Article II of Chapter 21 of the Code of Ordinances regarding Parks and Recreation Board composition and terms, is attached for consideration and staff recommends approval.

KEY DISCUSSION POINTS

- Mr. Tschirhart reviewed the Executive Summary.
- Councilor Benton requested a review of the changes.
- Mr. Tschirhart replied that in regard to the redlined changes, the Parks Board membership has been expanded to include owners of property or businesses within the City.
- Councilor Benton replied that he objects to opening up the volunteer pool to non-resident volunteers for a limited number of positions.
- Councilor Barta replied that the number of applicants is not overwhelming and we have had issue getting enough applicants.
- Councilor Benton replied that he would prefer to have resident volunteers given preference and he would like to accommodate all citizens who wish to volunteer for those committees.
- Mayor McConathy stated that the Image Committee has had issue with getting a quorum to attend and the limitation on volunteers is to better be able to achieve a quorum.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 4 Lynn Moses to approve Ordinance No. 2016-16, an Ordinance amending the Code of Ordinances by amending Sections 21-26 and 21-27 of Article II of Chapter 21 thereof regarding Parks and Recreation Board composition and terms; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; and providing for severability.

Vote: 7 - 0 Carried - Unanimously

3. *This item was formerly Item E on the Consent Agenda.*

Consideration of and action on Resolution No. R-2147, a Resolution amending the Rosenberg Image Committee Attendance Policy to include provisions regarding honorary memberships and residency requirements.

EXECUTIVE SUMMARY

Discussion was held by City Council and direction was provided to staff at the April 26, 2016, Workshop Meeting regarding the proposed expansion of membership eligibility to serve on certain City Boards, Commissions, Committees and Task Forces to include non-resident citizens who own property or operate a business within the City Limits.

Additionally, City Council directed staff to incorporate honorary membership status for citizen volunteers who have continuously served on the Rosenberg Image Committee and Parks and Recreation Board for ten (10) years or more. Honorary members would be welcome to attend meetings and participate in discussion but would no longer be voting members. Attendance of honorary members would also not affect the number of active members needed to establish a quorum.

Resolution No. R-2147 would incorporate these changes into the Rosenberg Image Committee Attendance Policy, attached to Resolution No. R-2147 as Exhibit "A". A redlined copy of said policy is also attached for review. Staff recommends approval of Resolution No. R-2147 as presented.

KEY DISCUSSION POINTS

- Mr. Tschirhart presented the item and reviewed the Executive Summary.
- Councilor Benton stated that he disagrees with the ten-year limitation and someone that has served continuously for ten years should not be prohibited from voting.
- Councilor Barta stated that she agrees with the change as it allows for a greater number of people to participate.
- Councilor Wallingford stated that, as a previous member of the Image Committee, it is difficult to have some of the older, long serving members volunteering for outdoor events, such as the Family 4th. She values the opinions of the older members but would like to give them an opportunity to opt out from time to time.
- Councilor Moses requested clarification of the proposed ten-year rule.
- Mr. Tschirhart replied that after ten years of continuous service, the status would then change to honorary member and volunteers would contribute in an advisory capacity.
- Councilor Barta stated that long serving members would have the choice whether or not to serve as honorary members.
- Mr. Tschirhart replied that the policy is written to be an automatic transition.
- Mayor McConathy stated that this change is to better accommodate some older members who wish to attend at their discretion.
- Councilor Benton stated that by removing the voting privilege from long-serving members will discourage them from participating; they will not come back.

Vote: 5 - 2 Carried - Yeses: Mayor McConathy, Councilors Barta, Pena, Euton, and Wallingford. Noes: Councilors Benton and Moses.

4. *This item was formerly Item No. 2 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2146, a Resolution authorizing the addition of the national motto "In God We Trust" to be displayed on public safety and emergency response vehicles.

EXECUTIVE SUMMARY

Many police departments across the state are adding the United States national motto "In God We Trust" to police vehicles. Rosenberg Police Chaplain Bruce Gilbert has offered to provide the material needed to add the national motto to Rosenberg's public safety and emergency response vehicles if City Council agrees with the addition.

Federal, state, and local judiciaries and the Texas Attorney General have ruled that the addition of the motto is permissible under the Establishment Clause of the First Amendment of the United States Constitution. A recent opinion by Texas Attorney General Ken Paxton, dated November 04, 2015, is included for review. Staff recommends approval of Resolution No. R-2146 which would authorize the addition of "In God We Trust" to the public safety and emergency response vehicles of the City of Rosenberg.

KEY DISCUSSION POINTS

- Reverend Bruce Gilbert of 1406 Caslyn Drive, Rosenberg, Texas, addressed City Council and stated that

he has been the Chaplain of the Rosenberg Police Department for the past nine years and spoke of the personal challenges police officers face in the line of duty. More often than not, these men and women do not know what they will face each time they go out on a call; they trust in their faith. These decals can offer a reminder and a testament that their lives are in God's hands and he would like to add these decals to all patrol and public safety vehicles.

- Chief Warren stated that Chaplain Gilbert has been an inspiration to all of us and his guidance and support for each of our officers is invaluable.

ACTION

Motion by Councilor at Large, Position 2 Amanda J. Barta, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2146, a Resolution authorizing the addition of the national motto "In God We Trust" to be displayed on public safety and emergency response vehicles.

Vote: 7 - 0 Carried - Unanimously

5. *This item was formerly Item No. 3 on the Regular Agenda.*

Consideration of and action on a citizen request received by the City related to the Avenue B Connector Road Project.

EXECUTIVE SUMMARY

On May 10, 2016, the City received a citizen petition related to the Avenue B Connector Road Project. This Agenda item has been included to provide an opportunity for City Council to review and discuss the petition and direct staff accordingly.

KEY DISCUSSION POINTS

- Mr. P.J. Middlebrooks of 3424 River Road stepped forward to address City Council regarding the petition and stated that, to his knowledge, the City was asked some time ago to establish another route from the River Road area in the event of an emergency. The proposed roadway, connecting Avenue B to north Rosenberg, would lead away from the hospital and would be an unnecessary tax burden for a roadway these residents did not request. Mr. Middlebrooks spoke with his neighbors and received twenty-seven signatures on his petition in opposition to the project. He has met with their Fort Bend County Commissioner, who agreed that the need for this road is not immediately apparent. Mr. Middlebrooks requested call records from the police department spanning over the last six months and in the River Road area, there were two calls for service.
- Mr. Tschirhart observed that this is not a petition as set forth in the Charter but it is an indicator that these residents have a request. Staff had not been able to determine from the language on the document what the request entails so the clarification is appreciated.
- Councilor Benton stated that when this project was first discussed, it sounded like a good idea and we assumed the residents would want an additional point of access. This petition shows the residents would prefer to stay as they are. This area was annexed about four years ago and he does not recall the City making any improvements since then. Additionally, some residents have indicated they intend to organize and request de-annexation from the City. If that is the case, he would prefer to abandon the project than spend Rosenberg tax payer funds on an area requesting de-annexation.
- Councilor Barta stated that the clarification of the residents' petition is helpful and the project should be carefully reviewed before any additional steps are taken.
- Councilor Pena stated that when this project was first presented, it was at the request of a resident of River Road. The trains were significantly holding up traffic and a short-term solution is now in place to alleviate some of that traffic. Providing another access point over the railroad tracks and connecting this area to the future overpass was all in the interest of ease of transit, public safety and emergency access. The City did not arbitrarily decide to add a road and he hopes the time and effort put into this project will not be wasted.
- Councilor Euton stated that Mr. Middlebrooks indicated that the residents of this area would be individually taxed for this project. Is that accurate?
- Mayor McConathy replied that the allocation for this project is \$939,000 so the City's residents would be paying for it.
- Councilor Euton inquired how many households are in this area?
- Mayor McConathy replied about forty.
- Councilor Euton stated that it appears there is some miscommunication among the residents and a public meeting could be held to clarify the City's intent and address the residents' concerns.
- Mayor McConathy stated that a town hall meeting is a reasonable request. For further clarification of this project, it came before Council at a Workshop Meeting in May 2015 as a potential Capital Improvement Project where it garnered unanimous support. The project came back for consideration of funding sources in July 2015, where it again had the full support of City Council. On September 15, 2015, this item was ranked second as an overall priority.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda J. Barta to table discussion regarding on a citizen request received by the City related to the Avenue B Connector Road Project until a public meeting may be scheduled.

Vote: 7 - 0 Carried - Unanimously

6. *This item was formerly Item No. 4 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2148, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Contract for Engineering Services for Avenue B Paving and Drainage Extension from 8th Street to River Road (Avenue B Connector Road), by and between the City and Kelly R. Kaluza and Associates, Inc., in an amount not to exceed \$121,090.00.

EXECUTIVE SUMMARY

The FY2016 Capital Improvement Project plan approved by City Council as Resolution No. R-1997 on July 07, 2015 includes the Avenue B Connector Road project. Currently, River Road has only one access point from Old Richmond Road which requires all traffic to cross two (2) railroad grade crossings at Rawson Road. One of the primary purposes of this project is to provide for a second access point, or road connection at 8th Street near Avenue B with River Road. Additionally, the Union Pacific Railroad has presented preliminary construction plans to add a second rail siding from Richmond to Rosenberg in an effort to park trains for various periods of time. The FY2016 Budget allocated sufficient funding to cover the schematic design, right of way acquisition, engineering design for construction plans and specifications, and a large percentage of the anticipated construction cost. The proposed FY2017 Budget will fully fund the construction phase of the project. Upon completion of the engineering design and bidding process, the construction bid award would be placed on a future agenda for City Council consideration and approval.

Staff recommends approval of Resolution No. R-2148, authorizing the Interim City Manager to negotiate and execute a Contract for Engineering Services for said project in the amount of \$121,090.00.

KEY DISCUSSION POINTS

- Mayor McConathy recommended this item be tabled until the public meeting may be held.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Lisa Wallingford to table Resolution No. R-2148, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, a Contract for Engineering Services for Avenue B Paving and Drainage Extension from 8th Street to River Road (Avenue B Connector Road), by and between the City and Kelly R. Kaluza and Associates, Inc., in an amount not to exceed \$121,090.00, until a public meeting may be held.

Vote: 7 - 0 Carried - Unanimously

7. *This item was formerly Item No. 5 on the Regular Agenda.*
Consideration of an action on Resolution No. R-2149, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, Supplemental Agreement No. 1 to the Engineering Agreement for Old Richmond Road and Jennetta Street Reconstruction, by and between the City and CivilCorp, LLC, to provide for additional services in the amount of \$26,524.75.

EXECUTIVE SUMMARY

On January 20, 2015, City Council approved Resolution No. R-1898 which authorized an Agreement for Engineering Design Services with CivilCorp, LLC, for the Old Richmond Road and Jennetta Street Reconstruction Project (Project). While the City had completed drainage improvements along Old Richmond Road as part of this Project and no additional drainage improvements were anticipated, the need for additional services became apparent as the Project moved forward.

Resolution No. R-2149 is being presented to allow City Council an opportunity to review Supplemental Agreement No. 1 to the Engineering Services Agreement with CivilCorp, LLC, which provides for additional right-of-way mapping and engineering services to the scope of the Project in an amount not to exceed \$26,524.75. Additional services include:

- Preparation of parcel sketches and metes and bounds descriptions for two (2) tracts;
- Preparation of CenterPoint Energy easement request;
- Setting of iron rods for proposed right-of-way locations;
- Development of required drainage plans;
- Research of existing utilities due to drainage work; and,
- Coordination of utility locations and adjustments.

Supplemental Agreement No. 1 is attached to Resolution No. R-2149 as Exhibit "A". Staff recommends approval of Resolution No. R-2149.

KEY DISCUSSION POINTS

- Mr. Maresh presented the item and reviewed the Executive Summary.
- Councilor Benton inquired if CivilCorp would confirm that no additional expenses are anticipated.
- Mr. Jason Casper of 8402 Den Oak Drive, representing CivilCorp, stepped forward and confirmed to Councilor Benton that these additional funds would completely cover all engineering for this project.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2149, a Resolution authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, Supplemental Agreement No. 1 to the Engineering Agreement for Old Richmond Road and Jennetta Street Reconstruction, by and between the City and CivilCorp, LLC, to provide for additional services in the amount of \$26,524.75.

Vote: 7 - 0 Carried - Unanimously

8. *This item was formerly Item No. 6 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2141, a Resolution awarding Bid No. 2016-10 for Lift Station No. 2 Replacement; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY

Bids were received on Wednesday, May 4, 2016, for the Construction of Lift Station No. 2 (Project). A total of three (3) bids were opened and tabulated as indicated on the attached bid summary form.

Staff recommends Bid No. 2016-10 be awarded to T&C Construction, Ltd., for the Base Bid, plus Alternate Bid Items A1, A2, A3 and A4 in the total amount of \$2,402,508.00. The attached correspondence from Jones and Carter, Inc., Project Engineer, recommends same. Should the bid be awarded as recommended, the proposal from T&C Construction, Ltd., will be attached and serve as Exhibit "A" to Resolution No. R-2141. The contract time is 300 calendar days. It should also be noted that this Project includes \$210,000 of drainage improvements that are related to Avenue F and funding will be provided from the Old Richmond Road/Jennetta Street Reconstruction Project, which includes Avenue F drainage improvements.

Both the lift station replacement and drainage improvement projects are included in the FY2016 Capital Improvement Plan approved by City Council on July 07, 2015, with the passage of Resolution No. R-1997.

Staff recommends approval of Resolution No. R-2141 which will award Bid No. 2016-10 and provide authorization for the Interim City Manager to negotiate and execute all required documents necessary to facilitate the Agreement for this Project.

KEY DISCUSSION POINTS

- Mr. Maresh presented the item and reviewed the Executive Summary.
- Councilor Euton inquired where the lift station being replaced is located.
- Mr. Maresh replied that this lift station is generally referred to as the Fiesta lift station. The current location is on the west end of the Fiesta property near the storage buildings. The replacement lift station will be constructed slightly further to the west on the dead end of the Avenue F right-of-way.
- Councilor Euton replied that this project is definitely needed.
- Councilor Benton inquired what is wrong with the current lift station and why it needs a full replacement.
- Mr. Maresh replied that age is one factor; the facility dates back to the 1950s and much of the concrete structure has significantly deteriorated. The piping is essentially being held together with a band-aid, and the facility has outlived its useful life span. There are issues getting electrical components and parts since the equipment is antiquated. To attempt a rehabilitation of this station when it needs to be active and operational is not possible.
- Councilor Moses inquired if any environmental concerns were identified regarding the demolition of the current lift station.
- Mr. Maresh replied that no environmental concerns were identified.

ACTION

Motion by Councilor, District 1 Jimmie J. Pena, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2141, a Resolution awarding Bid No. 2016-10 to T&C Construction, Ltd., for Lift Station No. 2 Replacement for the Base Bid, plus Alternate Bid Items A1, A2, A3 and A4 in the total amount of \$2,402,508.00; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

Vote: 7 - 0 Carried - Unanimously

9. *This item was formerly Item No. 7 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2150, a Resolution amending Resolution No. R-474 heretofore previously adopted by the City Council on the 21st day of April 1998, and Resolution No. R-928 heretofore previously adopted by the City Council on the 3rd day of March 2009, providing for access fees to Seabourne Creek Regional Detention Basin and to provide for additional access fees for certain areas as therein set out.

EXECUTIVE SUMMARY

Resolution No. R-2150 is being presented in order for City Council to consider proposed changes to the Seabourne Creek Regional Detention Basin Access Fees (fees). The fees were established so that a developer or citizen might choose to pay a fee for the pro-rata cost of buying into detention capacity in the Seabourne Creek

Regional Detention Basin rather than providing for their detention needs onsite.

The fees as presented within Resolution No. R-2150 are revised to include the undeveloped portion of the Danziger-Reese Subdivision located south of I-69/US 59 and north of the Seabourne Creek Park. This area historically had its drainage outfall to Dry Creek. However, with the expansion of the drainage channels within Seabourne Creek Park, including the drainage channel north to Louise Street, the property is better served if the ultimate drainage outfall is to Seabourne Creek. This then allows the commercial development east of the Danziger-Reese Subdivision (along both sides of Bryan Road between I-69/US 59 and FM 2218) to outfall to Dry Creek without on-site detention.

City Council previously passed Resolution No. R-928 which applied the detention fees in Resolution No. R-474 to the area on the west side of Bamore Road, which as the result of the road improvements, now drains to Seabourne Creek instead of Dry Creek. Resolution No. R-2150 would ratify and confirm that action by including this Bamore Road area into the calculations.

Staff recommends approval of Resolution No. R-2150 as presented.

KEY DISCUSSION POINTS

- Mr. Kalkomey presented the item and reviewed the Executive Summary.
- Councilor Benton stated that he is not familiar with the process for these fees.
- Mr. Kalkomey replied that a retention basin was built at Seabourne Creek Park and channel improvements from SH 36 to Blume Road. Those capital costs were "put into one pot", so to speak. The improvements were deemed to improve drainage for specific areas. Should a developer come along and access that detention, he would not need to sacrifice any of his own acreage to build on-site detention. Also, the fees are low enough to make it much more desirable to pay about \$1,800 per acre to access that detention rather than sacrifice three acres of land for drainage.
- Councilor Benton inquired if anyone has elected to participate in this drainage access and paid the fees.
- Mr. Kalkomey replied that there have been some participants. There is still a significant amount of raw land to be developed and these revised fees would apply. If they choose not to pay to access these drainage improvements, they will need on-site detention.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2150, a Resolution amending Resolution No. R-474 heretofore previously adopted by the City Council on the 21st day of April 1998, and Resolution No. R-928 heretofore previously adopted by the City Council on the 3rd day of March 2009, providing for access fees to Seabourne Creek Regional Detention Basin and to provide for additional access fees for certain areas as therein set out.

Vote: 7 - 0 Carried - Unanimously

10. *This item was formerly Item No. 8 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2151, a Resolution authorizing the issuance of Fort Bend County Municipal Utility District No. 167 (which includes Brazos Town Center) Unlimited Tax Road Refunding Bonds, Series 2016, in an amount not to exceed \$5,265,000, and Unlimited Tax Refunding Bonds, Series 2016A, in an amount not to exceed \$2,350,000.

EXECUTIVE SUMMARY

Attached for City Council's consideration is Resolution No. R-2151, a Resolution granting the City's consent to Fort Bend County Municipal Utility District No. 167 (MUD No. 167) located within Brazos Town Center, to issue Unlimited Tax Road Refunding Bonds, Series 2016, in an amount not to exceed \$5,265,000, and Unlimited Tax Refunding Bonds, Series 2016A, in an amount not to exceed \$2,350,000.

City Council consented to the creation of MUD No. 167 on June 28, 2005, through Ordinance No. 2005-14 which was originally proposed as a 121.81 acre development. A Development Agreement between the City and A-S 70 HWY 59-FM762, LP, was executed on December 07, 2004; a Water Supply and Wastewater Services Agreement was executed on December 06, 2005; and an Economic Development Agreement was executed on August 08, 2006. City Council approved Ordinance No. 2006-06 consenting to the addition of 173.8037 acres into MUD No. 167 on April 04, 2006, and Ordinance No. 2007-03 consented to the addition of 118.7858 acres into MUD No. 167 on February 06, 2007, for a total of approximately 414 acres.

MUD No. 167 has the opportunity to "refund" or "refinance" portions of existing bonds by issuing new bonds at a lower rate of interest than the existing bonds, thus ensuring significant reduction in interest expense for the issuer. Staff has reviewed the request and associated documentation and finds that the refunding to be advantageous to MUD No. 167 and its taxpayers.

Following is a list of Unlimited Tax Bond Sales and bond refunding that has been previously approved by City Council:

- The first sale of Unlimited Tax Bonds was approved by City Council on July 01, 2008, through Ordinance No. 2008-20 in the amount of \$3,165,000.
- MUD No. 167's Tax Road Bond Anticipation Note was approved by City Council on November 18, 2008, through Ordinance No. 2008-48 in the amount of \$3,560,000.

- A Road Bond sale was approved by City Council on June 16, 2009, through Ordinance No. 2009-19 in the amount of \$7,000,000.
- The Texas Commission on Environmental Quality (TCEQ) issued an order approving the issuance of \$4,120,000 in bonds on September 29, 2010. However, after the tax assessment values were released at that time, MUD No. 167 revised the bond issuance to \$3,000,000. The second Unlimited Tax Bonds sale, in the amount of \$3,000,000, was approved by City Council on November 16, 2010, through Ordinance No. 2010-28, deferring the remaining \$1,120,000 to a future sale.
- The second part of the previous sale of Unlimited Tax Bonds was approved by City Council on April 17, 2012, through Ordinance No. 2012-17 in the amount of \$1,120,000 for a total of the TCEQ approved \$4,120,000.
- The third sale was approved by City Council on November 20, 2012, through Ordinance No. 2012-43 in the amount of \$3,000,000.
- The fourth sale of Unlimited Tax Bonds was approved by City Council on May 04, 2014, through Ordinance No. 2014-20 in the amount of \$3,725,000.
- The fifth sale of Unlimited Tax Bonds was approved by City Council on April 21, 2015, through Ordinance No. 2015-11 in the amount of \$3,575,000.
- City Council approved Unlimited Tax Refunding Bonds, Series 2015A, on June 02, 2015, in an amount not to exceed \$3,200,000.
- The sixth sale of Unlimited Tax Bonds was approved by City Council on January 19, 2016, through Ordinance No. 2016-07 in the amount of \$2,385,000.

Submission documentation for this sale, previous bond sale Ordinances, meeting minute excerpts, and other associated documentation is available for review in the City Secretary's Office.

Staff recommends approval of Resolution No. R-2151, regarding the issuance by Fort Bend County Municipal Utility District No. 167 of Unlimited Tax Road Refunding Bonds, Series 2016, in an amount not to exceed \$5,265,000, and Unlimited Tax Refunding Bonds, Series 2016A, in an amount not to exceed \$2,350,000.

KEY DISCUSSION POINTS

- Mr. Kalkomey presented the item and reviewed the Executive Summary.
- Councilor Barta inquired if businesses and residents in the District will see a lower tax rate.
- Mr. Kalkomey replied that this would lower the debt payment by about \$70,000 per year which would slightly lower the tax rate. The time to pay off the bonds has not been extended.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Lisa Wallingford to approve Resolution No. R-2151, a Resolution authorizing the issuance of Fort Bend County Municipal Utility District No. 167 (which includes Brazos Town Center) Unlimited Tax Road Refunding Bonds, Series 2016, in an amount not to exceed \$5,265,000, and Unlimited Tax Refunding Bonds, Series 2016A, in an amount not to exceed \$2,350,000.

Vote: 7 - 0 Carried - Unanimously

11. *This item was formerly Item No. 9 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2145, a Resolution authorizing the Interim City Manager to accept and execute, for and on behalf of the City, a Proposal by and between the City and Gensler for Programming and Conceptual Design of Seabourne Creek Park Nature Center, and/or any other documentation necessary to facilitate the project, in an amount not to exceed \$35,000.00.

EXECUTIVE SUMMARY

This item has been placed on the Agenda for City Council to authorize proceeding with the Programming and Conceptual Design by Gensler for the proposed Seabourne Creek Park Nature Center.

On March 21, 2016, the Nature Center Subcommittee reviewed the Programming and Conceptual Design proposal from Gensler, attached to Resolution No. R-2145 as Exhibit "A", and recommended approval. On March 24, 2016, at the regularly scheduled Parks and Recreation Board Meeting, the proposal was reviewed and the Board members unanimously recommended approval as well. At the regularly scheduled Rosenberg Development Corporation (RDC) Meeting on April 14, 2016, the RDC unanimously authorized up to \$35,000 out of the \$100,000 that had been budgeted for the project to be spent on the proposed Programming and Conceptual Design pursuant to the proposal from Gensler.

Per previous discussions and action taken on this item by the Nature Center Subcommittee, Parks and Recreation Board, and RDC, City staff also recommends approval of Resolution No. R-2145, a Resolution of the City Council authorizing the Interim City Manager to accept, for and on behalf of the City, a proposal by and between the City and Gensler for programming and conceptual design of Seabourne Creek Park Nature Center in an amount not to exceed \$35,000.

KEY DISCUSSION POINTS

- Mr. McCarthy presented the item, reviewed the Executive Summary, and presented a PowerPoint presentation regarding the timeline for the Seabourne Creek Nature Center.

- Councilor Benton inquired if the \$35,000 would cover this portion of the project.
- Mr. McCarthy replied that for the conceptual design of the Nature Center, no. The budget for this project includes \$100,000 from the Rosenberg Development Corporation and \$150,000 from existing Park Land Dedication funds. We do not have a firm estimate of the total project cost without this conceptual design. This would be the first of a three part design process.
- Councilor Benton inquired what the total project cost will be to the tax payer.
- Mr. McCarthy replied that he hopes it will not cost the tax payer anything. The Master Naturalists are ready to move forward with soliciting additional funding through donations or grant programs. Mr. McCarthy stated that he has encouraged the Master Naturalists to wait until this portion of the concept design is complete so there will be a firm total cost for the project.
- Councilor Benton expressed some concern regarding the total cost of the project and stated that the City is here to provide municipal services and is not in the business of recreation.
- Councilor Barta agreed that Council must be careful how it spends tax money but a Nature Center will bring a lot to this City.
- Mayor McConathy stated that the people on this Committee are prudent with the City's funds and sensitive to providing the best value for each dollar.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda J. Barta to approve Resolution No. R-2145, a Resolution authorizing the Interim City Manager to accept and execute, for and on behalf of the City, a Proposal by and between the City and Gensler for Programming and Conceptual Design of Seabourne Creek Park Nature Center, and/or any other documentation necessary to facilitate the project, in an amount not to exceed \$35,000.00.

Vote: 7 - 0 Carried - Unanimously

12. *This item was formerly Item No. 10 on the Regular Agenda.*
Hold Executive Session to consult with the City Attorney to seek or receive advice on legal matters regarding pending or contemplated litigation regarding Junker Road pursuant to Section 551.071 of the Texas Government Code; to deliberate the potential purchase, exchange, lease or value of real property pursuant to Section 551.072 of the Texas Government Code; and, to deliberate the employment of the Municipal Court Judge pursuant to Section 551.074 of the Texas Government Code.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 2 Susan Euton to adjourn to Executive Session.

Vote: 7 - 0 Carried - Unanimously

13. *This item was formerly Item No. 11 on the Regular Agenda.*
Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.

Mayor McConathy reconvened Regular Session at 9:44 p.m.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to authorize the Interim City Manager to accept the owner's counter-offer and, negotiate and execute documents, for and on behalf of the City of Rosenberg, for the purchase of certain real property associated with the Bryan Road Realignment and Expansion Project, more particularly described as Parcel #8, a certain 0.0826 acre tract of land being out of a certain tract of land conveyed to Kent John Spacek and Lana Beth Spacek Kettler, as recorded in File No. 2010061835 of the Official Public Records of Real Property in Fort Bend County, Texas, (O.P.R.R.P.F.B.C., Tx.), located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas.

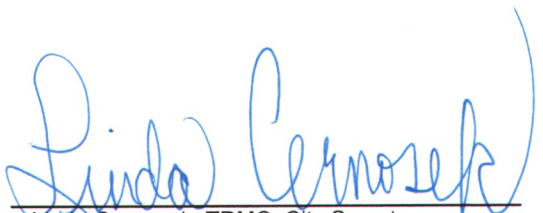
Vote: 7 - 0 Carried - Unanimously

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 3 Lisa Wallingford to authorize the Interim City Manager of negotiate and execute documents, for and on behalf of the City of Rosenberg, for the purchase of certain real property associated with the Bryan Road Realignment and Expansion Project, more particularly described as Parcel #9, a certain 0.0814 acre tract of land being out of a certain tract of land conveyed to Daniel T. Sulak, as recorded in Volume 429, Page 2, Fort Bend County Deed Records (F.B.C.D.R.), located in the Robert E. Handy Survey, Abstract No. 187, City of Rosenberg, Fort Bend County, Texas.

Vote: 7 - 0 Carried - Unanimously

14. *This item was formerly Item No. 12 on the Regular Agenda.*
Adjournment.
 There being no further business, Mayor McConathy adjourned the Regular City Council Meeting at 9:48 p.m.



Linda Cernosek, TRMC, City Secretary